

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

ERIC LAMOUNT WHITENER)

Case No: 3:90CR00085-003

USM No: 08274-058

Date of Previous Judgment: 4/28/1992 (amended)

) None

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 46

Amended Offense Level: 44

Criminal History Category: IV

Criminal History Category: IV

Previous Guideline Range: Life to Life months

Amended Guideline Range: Life to Life months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction is recommended as there is no change in the guideline range.

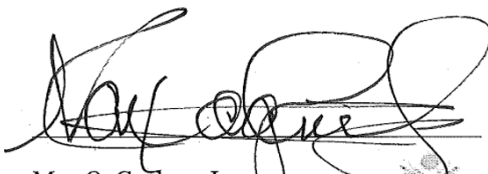
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 4/28/1992 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 7, 2011

Effective Date: _____
(if different from order date)


Max O. Cogburn Jr.
United States District Judge